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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,107	05/25/2001	Kevin Whitley	3660P003	4939

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Andre M. Gibbs
Blakely, Sokoloff, Taylor & Zafman LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1030

EXAMINER

ZURITA, JAMES H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,107

Applicant(s)

WHITLEY ET AL.

Examiner

James H. Zurita

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 14-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 41-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History

On 25 May 2001, applicant filed the instant application, claiming priority to provisional application 60/207314, filed 26 May 2000.

On 21 March 2002, the application was published as PG-PUB 20020035514 A1.

On 24 June 2005, the Examiner issued an election/restriction requirement.

On 9 December 2005, the Examiner rejected claims 1-6, 8-13 as anticipated by Taylor (6,256,676) and claim 7 as unpatentable over Taylor in view of Butt (6,243,752).

On 11 May 2006, applicant filed a response to the non-final rejection.

Response to Amendment

Applicant's submission of 11 May 2006 has been entered.

Applicant amended claims 1-4, 7-9 and 11 and added claims 41-43.

Claims 1-43 are pending, of which claims 14-40 are withdrawn from prosecution.

Claims 1-13 and 41-43 (as interpreted) would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 101, set forth in this Office action and to correct objections.

Response to Arguments

Applicant's arguments filed 11 May 2006 have been fully considered.

On page 9, lines 8-10, concerning an IDS of 28 August 2002, applicant requests that the Examiner consider the references. A signed IDS is attached.

On page 9, lines 11-18, applicant's priority comments are persuasive.

On page 9, line 19-page 10, line 16, concerning the Examiner's request for information, applicant's response is sufficient.

Rejections under 35 USC 112 and 102(e) are withdrawn in view of amendment and comments.

Drawings

Figure 1 should be designated by a legend such as **--Prior Art--** because only that which is old is illustrated. See MPEP § 608.02(g).

Fig. 2, reference 202 is labeled "ERP 202" while paragraph 0022, page 5, describes reference 202 as EA 202, that is, External Application 202. The term EA in claims 1 and 42 appear to refer to Enterprise Application.

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

The objection to the drawings will not be held in abeyance.

Claim Objections

The following claims contain informalities, correction is required:

In claims 3 and 11, it is not clear which variant is being referenced:

Claim 3...a partition to provide content to said shape of said [which?] variant, said content to include data...

Claim 11...wherein said [which?] variant uses two-dimensional inheritance.

Claims 1 and 42 contain the term “...**EA**...” The specifications refer to EA as external applications, as in Fig. 2, EA 202 and EA 203. Claim 1 previously used EA to refer to enterprise application. For purposes of examination, the term EA will be interpreted to refer to **enterprise application** as found in Fig. 2, reference **210**.

Claim 4 refers to “...said partition...” and lacks antecedent basis, since partition is introduced in claim 3, not in claim 1.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13, 41-43 are rejected under 35 U.S.C. 101 because the claims are directed to an apparatus that lacks structure and appears directed to software per se.

For purposes of Examination, the claims will be interpreted as directed to an article of manufacture, with the software tangibly embodied in media for proper Beauregard format.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose and does not suggest the combination of features in multi-organizational resource management, which provide the capability for sharing information/data between disparate applications such as between ERP packages such as SAP, PeopleSoft, Oracle or Baan as well as purchase orders. The Prior Art does not teach or suggest a variant comprising a collection of BaseObjects representing the differences from the first variant required to integrate an enterprise application with external applications.

Conclusion

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Zurita
Primary Examiner
Art Unit 3625
2 August 2006

James Zurita
Primary Examiner